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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,001	09/30/2004	Masayuki Amagai	4439-4025	3825
27123	7590	12/19/2007	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			ART UNIT	PAPER NUMBER

DATE MAILED: 12/19/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10510001	9/30/2004	AMAGAI ET AL.	4439-4025

MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER

Phillip Gambel

ART UNIT	PAPER
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1644

12172007

DATE MAILED:

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Commissioner for Patents

Applicant's amendment, filed 11/26/2007, has been entered.

Claims 1 and 3 have been amended.

Claims 2 and 4 have been canceled previously.

Newly amended claims 1 and 3 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Newly amended claims 1 and 3 are drawn to methods of treating / preventing previously not claimed. The newly amended claims are drawn to methods, which are related to the previous claims as processes of using the previous pending product claims. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (M.P.E.P. 806.05(h)).

In the instant case, the products as previously claimed can be used in a materially different process such as affinity purification, detection assays, bioassays and screening assays as well as treating other inflammatory diseases and conditions.

Also, the methods of treating pemphigus can be achieved by a host of therapeutic regimens and therapeutics, other than the claimed anti-CD40L antibodies.

Since applicant has received an action on the merits for the originally presented invention, applicant cannot file an RCE to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined as a matter of right (i.e., applicant cannot switch inventions). See 37 CFR 1.145 and MPEP 706.07(h).

Accordingly, newly amended claims have not been entered. See MPEP 706.07(h)


The amendment filed on 11/26/2007 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because of the reasons above.

Since applicant has received an action on the merits for the originally presented invention, applicant's response is considered non-repsonsive. Since the amendment appears to be a bona fide attempt to be a reply (37 CFR § 1.135(c)), applicant is given a TIME PERIOD of ONE (1) MONTH from the mailing date of this notice within which to re-submit the corrected section which complies with 37 CFR § 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (571) 272-0844. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841.

The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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Primary Examiner
Technology Center 1600
December 17, 2007